

PROTOCOL REGARDING THE OPENNESS OF THE KASKA DENA TREATY PROCESS

1. Purposes

1.1 This *Protocol* shall govern the Treaty Process between the Kaska Dena Council and British Columbia and Canada (the "Parties") and is intended to ensure that the negotiation process will be conducted to provide public access throughout all stages of the Treaty Process while recognizing the need to conduct effective negotiations. The public access to the process will allow for:

- 1.1.1 Access to the documents;
- 1.1.2 Consultation;
- 1.1.3 Public information; and
- 1.1.4 Access to Main Table Meetings.

as specifically provided for in this Protocol.

2. Access to the Negotiation Table

2.1 The Parties agree that public access to Main Table negotiations will generally occur in those sessions devoted to a general exchange of information on issues, interests and policies or the discussion of matters of a procedural nature.

2.2 The Parties will determine whether other sessions are to be open to the public by considering whether attendance at the session by individuals other than the negotiating team members would:

- 2.2.1 increase the effectiveness of the session; or
- 2.2.2 interfere with the effectiveness of the process; or
- 2.2.3 reasonably be expected to prejudice the positions or strategies of the negotiating parties; or
- 2.2.4 harm the conduct of negotiations.

2.3 The access referred to in clauses 2.1 and 2.2 is to be achieved by opening these sessions to the general public, or representation from advisory committees, or broadcast by local television or radio, or the print media, or any combination of the above.

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- 2.4 Pursuant to subsections 2.1 and 2.2 of this Protocol, the Chief Negotiators will agree prior to a Main Table negotiation whether that session will be open, either in whole or in part. Where the Parties agree that a Main Table negotiation will be open, the Chief Negotiators will provide at least two weeks public notice.
- 2.5 The Chief Negotiators of the Parties will determine the composition of their respective negotiation teams. The Chief Negotiators will also be responsible for the conduct of team members.
- 2.6 The Parties acknowledge that British Columbia will include as a member of its negotiating team a representative of local government from the Treaty Advisory Committee (TAC).
- 2.7 The TAC and its members shall be subject to all rules of information sharing as set out in this Protocol. In addition, the TAC shall only:
- 2.7.1 receive information, in accordance with subsection 3.3 of this Protocol, which is available only to the Parties and which directly affects local governments' interests; and
 - 2.7.2 receive information not available for public distribution as described in subsection 2.7.1 if each member agrees on behalf of their local government that they:
 - 2.7.2.1 will confine discussion of this information to "in camera" sessions of their local government, and
 - 2.7.2.2 will not disclose this information to anyone else.
- 2.8 The provincial Chief Negotiator will establish terms of reference with the TAC, consistent with this Protocol, in a letter of agreement to TAC, with copies to the other Parties.

3. Access to Documents

- 3.1 The Parties agree that, at a minimum, the following documents will be made available to the public in their final form:
- 3.1.1 Main Table Meeting Agendas;
 - 3.1.2 Lists of Undertakings given by each Party at Main Table Meetings;

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- 3.1.3 Periodic reports reviewing the progress of negotiations prepared by the Parties;
 - 3.1.4 Reports jointly prepared and filed with the British Columbia Treaty Commission by the Parties;
 - 3.1.5 Statements defining interests tabled by a Party at a Main Table Meeting; and
 - 3.1.6 Any other documents which the Parties agree may be publicly released.
- 3.2 The Parties will also make available to the public those documents which generally have been agreed to by the Parties and prior to initialling, including:
- 3.2.1 Framework Agreement;
 - 3.2.2 Sub-agreements;
 - 3.2.3 Agreement-in-Principle; and
 - 3.2.4 Final Agreement.
- 3.3 The Parties agree that, upon notice appropriate to the circumstances being given to the Parties, other documents not outlined in 3.1 or 3.2 may also be made available to the public unless:
- 3.3.1 the Party producing the document considers that disclosure would prejudice the position or strategy of that Party; or
 - 3.3.2 the Party producing the document identifies the document as confidential; or
 - 3.3.3 a document is at a stage in the drafting process where it does not accurately reflect the intention and interests of the Parties.
- 3.4 The provision of documents to the public is governed by the provincial Freedom of Information and Protection of Privacy Act and the federal Access to Information Act and Privacy Act.
- 4. Consultation**
- 4.1 Each Party retains the right to consult with its Advisory Committees.
 - 4.2 The Parties agree that to assist the Advisory Committees in providing advice on the items under negotiation, each of the Parties:

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4.2.1 will need to provide information to its Advisory Committees on the substance of issues being negotiated and may provide documents provided for in 3.1, 3.2 and 3.3; and

4.2.2 may provide periodic briefings to Advisory Committees established by the other Parties.

5. Public Information

5.1 The Chief Negotiators for the Parties will be responsible for ensuring that an effective and ongoing public information process is established.

5.2 The Parties agree that public information activities will be planned and implemented by a Public Information Working Group comprised of one member from each of the Parties, including such other persons as the Parties may agree upon. The Working Group will, every six months, develop a draft implementation plan which will include the objectives and the public information activities for the next six months. This plan is subject to approval by a Main Table meeting.

5.3 The Parties agree that public information activities will be undertaken in the Kaska Dena traditional territory, or elsewhere as the Parties may agree, using several approaches, which may include:

5.3.1 **Public information forums:** the events to be held may include events sponsored by others. Generally, they will involve the Chief Negotiators for the Parties or their designates. Other resource people may be invited.

5.3.2 **Open workshops:** these events will focus on key issues. They will involve the Parties and will be open to the public to provide an opportunity for discussion.

5.3.3 **Meetings with Third Parties and other community groups:** these meetings will involve the three Chief Negotiators for the Parties or their designates. They will include groups such as the Chamber of Commerce, municipal governments, unions, business groups and other similar organizations and agencies.

5.3.4 **Open Houses:** these events will provide the Parties with an opportunity to provide information and to meet with members of the public and to discuss issues under negotiation.


5.3.5 **Public information materials:** these materials will be produced and distributed by the Parties.

5.4 Nothing in this section is intended to prevent the Parties from participating in bilateral or independent public information activities.

6. Review

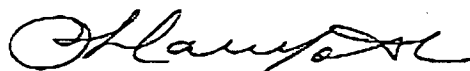
This Protocol may be reviewed and amended by agreement of the Chief Negotiators.

Signed on behalf of
the Kaska Dena Council by:



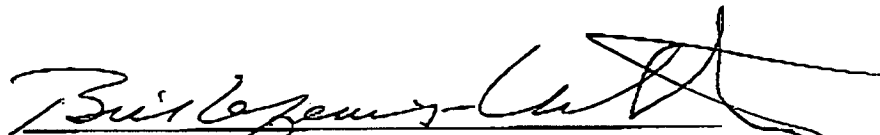
Walter Carlick,
Acting Chief Negotiator

Signed on behalf of
Canada by:



Pauline L. LaMothe,
Chief Negotiator

Signed on behalf of
British Columbia by:



Bill Lefeaux-Valentine,
Chief Negotiator

Date: June 15/95